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FILED

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JUN 12 2012

**MARIA ELROD, as Special
Administrator of the Estate of KENNETH)
ELROD, deceased, and MARIA ELROD,)**

Plaintiff,)

v.)

**OFFICER EDWARD YERKE #1105,)
OFFICER ROGELIO PINAL #18921,)
OFFICER RONALD RODRIGUEZ)
#15347, DETECTIVE GILLESPIE)
#20970, DETECTIVE BURKE #20652)
and SGT. CIRONE, Individually, and)
the CITY OF CHICAGO, a Municipal)
Corporation,)**

Defendants.)

Case No. 06 C 2505

Judge Darrah

Magistrate Judge Brown

**JOHN W. DARRAH
U.S. DISTRICT COURT JUDGE**

STIPULATION ON ATTORNEYS' FEES

Now comes Plaintiff, by and through his undersigned counsel, Ronak Patel, and Defendants Yerke and Pinal, by and through their undersigned counsel, Jordan Marsh, and submit the following stipulation regarding the award of attorneys' fees and costs in the above-captioned case:

WHEREAS, a judgment was entered in Plaintiff's favor against Defendants Yerke and Pinal and the City of Chicago on February 9, 2012;

WHEREAS, subject to any post-trial appeals, Plaintiff is entitled to an award of reasonable attorneys' fees and costs as the prevailing party in this case pursuant to 42 U.S.C. § 1988;

WHEREAS, on March 15, 2012, Plaintiff's counsel, pursuant to Local Rule 54.3,

submitted Plaintiff's claim for attorneys' fees and non-taxable costs to counsel for Defendants covering all attorneys' fees and non-taxable costs incurred in this action as of March 15, 2012;

WHEREAS, the parties, through their respective counsel, pursuant to Local Rule 54.3(d), have reached a pre-motion agreement regarding the amount of attorneys' fees and nontaxable costs that should be awarded to Plaintiff as of March 15, 2012 in the event that Defendants do not prevail on their post-trial appeal(s), and the parties desire to resolve this matter without further expense or court intervention;

IT IS HEREBY STIPULATED:

1. Subject only to the conditions set forth in Paragraph 2 of this stipulation, The City of Chicago, as the indemnitor of Defendants, agrees to pay Plaintiff and his counsel attorneys' fees and non-taxable costs in the amount of three hundred seventy-two thousand, seven hundred seventy-one dollars \$372,771.00 (the "Attorneys' Fee"). The Attorneys' Fee shall be due and payable sixty (60) days after the Court's ruling on the post trial motion currently pending before this Court, or, if a timely appeal is filed by Defendants, sixty (60) days after the conclusion of all appeals.

2. If: (a) the judgment in this case is vacated or reversed in its entirety, and either a judgment is awarded in favor of Defendants or a new trial is ordered, or if (b) the judgment in this case is modified in any way, then this stipulation shall be null and void, and the parties shall have all rights available to them by law with respect to their right to attorneys' fees and costs and their rights to challenge any claims for attorneys' fees and costs.

3. Except as provided in Paragraph 2 above, the amount of the Attorneys' Fee is not subject to challenge (whether in the nature of a request to increase or decrease said amount) by post-trial motion, collateral attack, appeal, or otherwise.

4. This stipulation does not cover any attorneys' fees and costs incurred by Plaintiff after March 15, 2012 and Plaintiff may seek all such fees and costs allowed my law incurred after said date in connection with all work performed in connection with this action, including but not limited to all post trial proceedings, appeals, and proceedings for attorneys' fees.

5. The parties agree that this stipulation may not be used either by Plaintiff's counsel or by Counsel for the City of Chicago, its employees or agents, in any proceedings to establish an hourly rate for the purposes of any future attorney's fee petition involving Plaintiff's counsel or the City of Chicago, or any of its departments or subdivisions.

/s/ Ronak Patel

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/s/ Jordan E. Marsh

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